

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DE'MARIO DRIVER #417678,)	
)	
Plaintiff)	
)	No. 3:13-1087
v.)	Judge Trauger/Bryant
)	Jury Demand
FRANK FABISH, et al.,)	
)	
Defendants)	

O R D E R

Pending before the Court is Plaintiff Driver's Motion for the Appointment of Counsel (Docket Entry 34). The Supreme Court has held that "an indigent's right to appointed counsel . . . exists only where the litigant may lose his physical liberty if he loses the litigation." *Lassiter v. Department of Social Services*, 452 U.S. 18, 25 (1981). Therefore, unlike criminal proceedings, there is no constitutional right to appointed counsel in a civil action. *Willett v. Wells*, 469 F. Supp. 748, 751 (E.D. Tenn. 1977).

The appointment of counsel for a civil litigant is a matter within the discretion of the district court and will only occur under exceptional circumstances. *Lavado v. Keohane*, 992 F.2d 601 (6th Cir. 1993). In this instance, no such circumstances exist. Accordingly, Plaintiff's Motion for the Appointment of Counsel is hereby **DENIED**.

It is so **ORDERED**.

/s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge